

AMENDED IN ASSEMBLY APRIL 9, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1199

Introduced by Assembly Member Berg

February 21, 2003

~~An act to amend Section 8204 of the Government Code, relating to notaries public. An act to amend Section 2 of Chapter 1338 of the Statutes of 1989, as amended by Section 1 of Chapter 306 of the Statutes of 1993, relating to local government finance.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1199, as amended, Berg. ~~Notaries public; renewal~~ County of Del Norte.

Existing law appropriated \$1,190,000 to the Controller for allocation as a loan to the County of Del Norte to mitigate the impact of the late opening of the Pelican Bay State Prison and requires that the loan be repaid with interest, as specified. Existing law also requires that payment of the loan begin on July 20, 1995, and that payment, including interest, be paid in annual installments of \$119,000 until the debt is fully paid.

The Bradley-Burns Uniform Local Sales and Use Tax Law also authorizes a county to impose a local sales and use tax at a rate of 1.25%, and similarly authorizes a city, located within a county imposing such a tax rate, to impose a local sales and use tax rate of 1% that is credited against the county rate. Existing law requires a city, county, or city and county imposing a local sales and use tax pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law to contract with the State Board of Equalization to administer the local sales and

use tax. Existing law also requires the board, at least twice during each calendar quarter, to transmit local sales and use tax revenue to the city, county, or city and county in which the revenue was collected.

This bill would, if for any calendar quarter the total amount of local sales tax revenue derived by the County of Del Norte is less than the total amount derived by the county for the corresponding quarter of the immediately preceding calendar year, postpone for one year the schedule for the county's annual loan payments to the state.

~~Existing law establishes the qualifications for notaries public and requires, among other things, that the person have satisfactorily completed a written examination prescribed by the Secretary of State to determine the fitness of the person to exercise the functions of the office of notary public. Existing law authorizes the Secretary of State to appoint and commission notaries public for a term of 4 years.~~

~~This bill would require the Secretary of State to adopt by regulation a renewal procedure by January 1, 2005, for notaries public who are currently commissioned.~~

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 ~~SECTION 1. Section 8204 of the Government Code is~~
- 2 ~~SECTION 1. Section 2 of Chapter 1338 of the Statutes of 1989~~
- 3 ~~is amended to read:~~
- 4 Sec. 2. (a) In enacting this section, the Legislature finds and
- 5 declares that the decision to postpone the opening of the Pelican
- 6 Bay State Prison imposed a significant cost burden on the County
- 7 of Del Norte. County staff necessary to accommodate the added
- 8 workload from the prison were hired and modifications to the
- 9 county court facility necessary for the increased security
- 10 requirements associated with the handling of maximum security
- 11 prisoners were initiated. Because these expenditures were incurred
- 12 by Del Norte County with the full expectation of the opening of the
- 13 prison on time, and because the State of California was able to
- 14 realize significant savings by postponing the opening of the prison,
- 15 it is appropriate for the state to offer the county some assistance
- 16 prior to the date Pelican Bay State Prison is occupied.
- 17 (b) (1) There is hereby appropriated from the General Fund
- 18 the sum of one million one hundred ninety thousand dollars

1 (\$1,190,000) to the Controller for allocation as a loan to the
2 County of Del Norte for the purpose of mitigating the impact of
3 the late opening of Pelican Bay State Prison.

4 (2) The loan made pursuant to this subdivision shall be repaid
5 with interest at the rate calculated for moneys invested in the
6 Pooled Money Investment Fund. Repayment, including interest,
7 shall be made in annual installments of one hundred nineteen
8 thousand dollars (\$119,000) until the debt is fully paid. In the event
9 that the Controller certifies that the County of Del Norte is in
10 default on this loan, the Director of Corrections is authorized to
11 reduce amounts owed by the Department of Corrections to the
12 County of Del Norte by up to eighty thousand dollars (\$80,000) in
13 a fiscal year, and to transfer the amount thus reduced to the
14 Controller to offset the amount owed by the County of Del Norte
15 on this loan. The first payment on this loan shall be due on July 20,
16 1995.

17 (3) (A) *If, for any calendar quarter, the total amount of revenue*
18 *derived by the County of Del Norte from a tax imposed by the*
19 *county under the Bradley-Burns Uniform Local and Sales Tax Law*
20 *(Part 1.5 (commencing with Section 7200) of Division 2 of the*
21 *Revenue and Taxation Code) is less than the total amount of*
22 *revenue so derived by the county for the corresponding quarter of*
23 *the immediately preceding calendar year, the obligation of the*
24 *County of Del Norte to make the annual payment, required*
25 *pursuant to paragraph (2) for the calendar year containing that*
26 *quarter, is postponed for one year.*

27 (B) *If any payment obligation is postponed pursuant to this*
28 *paragraph, any subsequent payment obligation under paragraph*
29 *(2) shall also be postponed for one year. For purposes of this*
30 *paragraph, a payment obligation under paragraph (2) that is*
31 *subject to postponement includes a payment obligation that has*
32 *previously been postponed, one or more times, under this*
33 *paragraph.*

34 (C) *This paragraph applies to all payment obligations*
35 *established by paragraph (2) of this subdivision.*

36 ~~amended to read:~~

37 ~~8204. (a) The term of office of a notary public is for four~~
38 ~~years commencing with the date specified in the commission.~~

1 ~~(b) The Secretary of State shall adopt by regulation a renewal~~
2 ~~procedure by January 1, 2005, for notaries public who are~~
3 ~~currently commissioned.~~

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